

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

AUGUSTIN CORVANTES ARELLANO,

Plaintiff,

v.

Civil No. 05-10184-BC

Honorable David M. Lawson

Magistrate Judge Charles E. Binder

GREEN MEADOWS FARMS, INC.

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATION AND DISMISSING CASE WITH PREJUDICE**

This matter is before the Court on the report issued by Magistrate Judge Charles E. Binder on November 9, 2005 pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1 recommending that the Court *sua sponte* dismiss with prejudice the complaint in this case for want of prosecution. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, the plaintiff did not file any objections. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt # 7] is **ADOPTED**, and the complaint is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: December 1, 2005

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on December 1, 2005.

s/Tracy A. Jacobs

TRACY A. JACOBS